

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

|                        |   |                       |
|------------------------|---|-----------------------|
| JIMMIE A. WHEELER,     | ) |                       |
|                        | ) |                       |
| Plaintiff,             | ) |                       |
|                        | ) |                       |
| -vs-                   | ) | Case No. CIV-15-198-F |
|                        | ) |                       |
| FORREST PERRY, et al., | ) |                       |
|                        | ) |                       |
| Defendants.            | ) |                       |

**ORDER**


United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation on June 5, 2015, wherein he recommended that the motion to dismiss of defendant, Norman Police Department, seeking to dismiss plaintiff's 42 U.S.C. § 1983 action pursuant to Rule 12(b)(6), Fed. R. Civ. P., be granted and that defendant be dismissed with prejudice. Magistrate Judge Purcell advised plaintiff of his right to object to the recommended ruling by June 25, 2015 and further advised that failure to timely object would waive appellate review of the recommended ruling.

Plaintiff has not objected to the Report and Recommendation within the time prescribed. With no filing of an objection to the recommended ruling, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on June 5, 2015 (doc. no. 27) is **ACCEPTED, ADOPTED** and **AFFIRMED**. Defendant City of Norman, Oklahoma Police Department's Motion to Dismiss, filed May 20, 2015 (doc. no. 16), is **GRANTED**. Plaintiff's 42 U.S.C. § 1983 action against defendant, "City of Norman, Oklahoma

Police Department,” is **DISMISSED WITH PREJUDICE** pursuant to Rule 12(b)(6),  
Fed. R. Civ. P.

DATED July 10, 2015.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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